

LOUDOUN COUNTY ZONING ORDINANCE REVIEW COMMITTEE

November 4, 2005

Melinda M. Artman
Zoning Administrator
County of Loudoun
1 Harrison St, SE, 3rd Floor
PO Box 7000
Leesburg, VA 20177-7000

Re: Zoning Ordinance Review Committee ("ZORC") Comments on Staff Draft
Zoning Ordinance Changes for AR-1 and AR-2

Dear Melinda:

The Zoning Ordinance Review Committee ("ZORC") has reviewed your memorandum of October 19, 2005 and related draft ordinance language. We appreciate your taking the time to meet with ZORC and with representatives of the Rural Economic Development Council ("REDC") on October 26, 2005.

The purpose of this letter is to provide some comments to the staff draft. Our comments should be considered in relation to the complete report submitted by ZORC to the Board of Supervisors on September 8, 2005 (the "ZORC Option 1 Report"). In the ZORC Option 1 Report, we provided the Board and staff with a complete package of zoning ordinance changes intended to implement "Option 1."

We understand that the staff draft language for Option 1 is more limited than the ZORC proposal because of your perception of the direction provided by the Board of Supervisors, and your interpretation of the scope of input the Board is seeking from ZORC and the REDC. Our perspective is that:

- Our original charter was to review a wide range of technical zoning ordinance issues, many of which were identified by staff and a number of which involved the AR-1 and AR-2 Zoning Districts and related provisions, to gather input from staff and the public, and to make recommendations as to suggested changes.
- After the Virginia Supreme Court decision invalidating the AR-1 and AR-2 zoning, ZORC and the REDC were asked to consider and make recommendations

on six specific questions, and to make such other comments as we deemed appropriate.

- The Board chose Option 1, and directed staff to draft ordinance language and to obtain input from ZORC.

The report ZORC submitted to the Board on September 8th deals with the western Loudoun issues in a comprehensive way. We believe that all of such language should be included in the Notice of Intent to Amend.

We also wish to highlight certain significant differences between the ZORC approach and the staff draft language, as follows:

Minimum Cluster Lot Size: ZORC recommends a one acre minimum lot size for cluster lots in cluster subdivisions. The staff draft recommends a minimum 80,000 sq. ft. lot size for cluster lots. We feel that a two acre minimum lot size for cluster subdivisions would defeat the purpose of clustering. In addition, we note that the minimum lot size for rural hamlets under A-3 zoning was considerably smaller than one acre, and that the AR-1 and AR-2 district regulations used to have no minimum lot size.

Recommendation: Use a one acre (or 40,000 square foot) minimum lot size for cluster lots in AR-1 and AR-2 cluster subdivisions.

Use of HOA Common Area for Septic Fields Serving Cluster Lots: We differ in the treatment of well and septic in cluster subdivisions. ZORC recommends that septic systems serving cluster lots be on the cluster lots or on common area owned by the HOA (but not on Rural Economy/Conservancy lots). Staff's draft would allow communal treatment systems on HOA common area, but would not allow individual septic fields on HOA common area. ZORC feels that it would be a major mistake not to allow some level of off site septic fields to be located on HOA owned land. The zoning ordinance has for many years allowed septic fields (or backup fields) serving cluster lots to be put on HOA common area, and we believe it would be a major, and ill-advised, change in policy, to change this established practice.

Recommendation: Allow primary or reserve septic fields serving cluster lots to be located on HOA-owned common areas, but not on Rural Economy or conservancy lots.

Use of Major Flood Plain for Density Computation. The staff draft does not provide density credit for major floodplain in computing the allowed number of lots in the AR-1 and AR-2 zoning districts. It is the ZORC's understanding that, at the October 26 meeting, staff agreed that major flood plain should be taken into consideration for purposes of determining density allowed in the AR-1 and AR-2 districts. It was our impression that your draft would be revised to reflect this.

Recommendation: Allow major flood plain to be included in parcel size in determining allowed density of development in the AR-1 and AR-2 zoning districts.

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Use List and Performance Standards. The staff draft did not address uses and Performance Standards. We believe that the ZORC recommendations, which are based on months of work with the REDC, the LCVA, and the affected public, must be included in the ordinance changes to have a viable Rural Economy.

Recommendation: Combine the staff draft language with the ZORC/REDC draft language so that the Board of Supervisors may advertise and enact a comprehensive revision to the zoning of Western Loudoun County.

In summary, the ZORC feels that the entirety of our September 8, 2005 report should be incorporated into the Notice of Intent to Amend. We recognize that this may require some meetings, presentations, and collaboration between ZORC, the REDC, and the Staff, and we look forward to assisting in such way as may be convenient for the Board of Supervisors.

Sincerely yours,
ZONING ORDINANCE REVIEW COMMITTEE

By: 

Robert M. Gordon, Chair

Cc: All Board Members
ZORC Members
Linda Neri
John R. Roberts, Esq.
Kate Zurschmeide, Chair, REDC

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